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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 66/166, in which the Assembly requested the Secretary-General to submit to it at its sixty-eighth session a report on the implementation of the resolution, including information on activities undertaken by the Office of the United Nations High Commissioner for Human Rights, the Independent Expert on minority issues and relevant United Nations entities, within existing resources, as well as by Member States, to mark the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

The anniversary afforded an important opportunity to examine how the Declaration has served the purpose of advancing the rights of persons belonging to national or ethnic, religious and linguistic minorities. The report provides an outline of activities undertaken to promote the implementation of the Declaration and to raise awareness of its provisions. The activities highlighted effective practices and challenges that should be addressed in strengthening implementation at the national, regional and international levels.

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I. Introduction

1. The year 2012 marked the twentieth anniversary of the adoption by consensus of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. In its resolution 66/166, the General Assembly requested the Secretary-General to submit to it at its sixty-eighth session a report on the implementation of the resolution, including information on activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Independent Expert on minority issues and relevant United Nations entities, within existing resources, as well as by Member States, to mark the twentieth anniversary of the adoption of the Declaration.

2. Inspired by article 27 of the International Covenant on Civil and Political Rights, the Declaration provides essential international human rights standards pertaining to the promotion and protection of minorities. Its nine articles contain broad principles that offer guidance to States in meeting their obligations. Unfortunately, the reality in many countries demonstrates that stronger commitments need to be secured on the part of all stakeholders, and States in particular, to build more inclusive and viable societies.

3. Article 1 of the Declaration stipulates that States are to protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and are to encourage conditions for the promotion of that identity. While the Declaration itself is not legally binding, article 27 of the Covenant and article 30 of the Convention on the Rights of the Child offer strong treaty norms with regard to minority rights, similar to standards contained in the Declaration.

4. The twentieth anniversary of the Declaration afforded an important opportunity to examine achievements and challenges in its implementation. As to achievements, the Declaration has led to recognition by States of minority status, protection of minorities in the light of their vulnerable circumstances, reduction of exclusion and discrimination and, ultimately, recognition that minority rights are key factors in peacebuilding, prevention of conflict and poverty reduction. The remaining challenges include reticence on the part of many States to recognize minority status, which in and of itself often results in violations of the human rights of minorities at many levels and in various areas of life; discrimination; and exclusion and lack of access to opportunities, carrying the consequence of tensions that could escalate into conflict and that could be prevented through a better implementation of the Declaration.

5. Taking the above observations into consideration, OHCHR and human rights bodies and mechanisms, including the Independent Expert on minority issues and the Forum on Minority Issues, in addition to Governments, national human rights institutions, civil society organizations and minorities themselves, engaged in various commemorative activities to mark the anniversary of the Declaration. In the process, stocktaking of good practices that could be replicated to further contribute to promoting minority rights in regional and national contexts, in conjunction with the identification of gaps and how they could be addressed, made the commemoration a success. Awareness-raising activities brought visibility to the Declaration and could be used to catalyse greater engagement on minority rights more generally.

II. United Nations network on racial discrimination and protection of minorities

6. Article 9 of the Declaration states that the specialized agencies and other organizations of the United Nations system are to contribute to the full realization of the rights and principles set forth therein, within their respective fields of competence. In this connection and in the lead-up to the twentieth anniversary of the Declaration, the Secretary-General, on 6 March 2012, endorsed the establishment of a United Nations network on racial discrimination and protection of minorities to enhance dialogue and cooperation between relevant United Nations departments, agencies, programmes and funds and, within 12 months, to develop a guidance note for the United Nations system on how to tackle racial discrimination and protection of minorities in line with the Universal Declaration of Human Rights and other important standards, drawing on effective practices.

7. Coordinated by OHCHR, the 20-member network produced a guidance note with 19 recommendations reflecting concerns emanating from such key areas as human rights protection, elections, constitution drafting, conflict prevention, delivery of humanitarian assistance and sustainable development. Following its endorsement by the Secretary-General, the network is finalizing an action plan for the implementation of the guidance note in cooperation with field presences.

III. Twentieth anniversary commemorative activities

8. In the course of 2012, the United Nations High Commissioner for Human Rights highlighted, in public statements and keynote addresses, the importance to be attached to the twentieth anniversary of the Declaration. She also voiced concerns regarding the situations of specific minorities, including the Roma in Europe and religious minorities around the world.

A. Office of the United Nations High Commissioner for Human Rights

9. The Office seized the momentum offered by the anniversary and organized, in cooperation with United Nations partners and representatives of Governments, non-governmental organizations and minorities, various activities devoted to the anniversary. A communication strategy that included media tools to raise awareness of the Declaration and deliver information on the activities was developed by OHCHR, in collaboration with the Department of Public Information of the Secretariat. A special section of the OHCHR website was dedicated to the anniversary; a distinctive visual identity was created; branded promotional materials (banners, posters and folders) were made available in the six official languages of the United Nations; web feature stories on minority issues were published; press statements of the High Commissioner that focused primarily on minorities were posted; a video interview with the Independent Expert on minority issues focusing on the anniversary was posted; and a compilation of the recommendations issued by the Forum on Minority Issues and branded with the anniversary logo was published in English, French and Spanish.

1. Human Rights Council panel discussion to commemorate the twentieth anniversary of the adoption of the Declaration

10. In its resolution 18/3, the Human Rights Council decided to convene, at its nineteenth session, a panel discussion to commemorate the twentieth anniversary of the Declaration, with a particular focus on its implementation as well as on achievements, best practices and challenges in that regard.

11. The panel discussion was held on 13 March 2012, chaired by Christian Strohal, Permanent Representative of Austria to the United Nations Office at Geneva and Vice-President of the Human Rights Council. The opening statement was delivered by the United Nations Deputy High Commissioner for Human Rights. Mark Lattimer, Executive Director of Minority Rights Group International, moderated the panel discussion. The panellists were Rita Izsák, the Independent Expert on minority issues; Soyata Maiga, a member of the African Commission on Human and Peoples' Rights and Special Rapporteur on the Rights of Women in Africa; Joshua Castellino, Professor of Law and Dean of the School of Law at Middlesex University, United Kingdom of Great Britain and Northern Ireland; and Pastor Elías Murillo Martínez, a member of the Committee on the Elimination of Racial Discrimination. The panel discussion was organized around the four pillars of the Declaration: protection of existence; protection and promotion of identity; equality and non-discrimination; and right to effective participation.

(a) First part of the discussion

12. The moderator noted that, while the Declaration provided authoritative guidance and key standards on minority rights ranging from non-discrimination to participation in decision-making, its visibility remained limited and its provisions rarely invoked by practitioners. He asked the panellists what measures could be taken by various actors, including the Human Rights Council, to improve the promotion of the Declaration and encourage its implementation.

13. A central theme of the discussion was the significant role of education, and in particular human rights education, in raising awareness of minority rights. The panellists reiterated that there was a need to ensure that diversity in a given population was reflected in educational curricula and teaching materials, thereby encouraging familiarity with the various ethnicities, religions, languages and cultures, in order to combat exclusion and encourage participation.

14. The important roles of national human rights institutions, civil society organizations and minorities themselves in monitoring the implementation of the Declaration were underlined. In the light of the commitment of the United Nations system to addressing minority rights, the panellists recommended that specialized agencies and other organizations should contribute to the realization of the rights and principles set forth in the Declaration within their respective fields of competence.

15. It was noted that the commitment of the Human Rights Council to bringing visibility to the Declaration and strengthening its implementation was demonstrated through, among other things, its establishment of the Forum on Minority Issues in 2007. The importance of the forum lies in the fact that it provides a platform for dialogue and cooperation, in addition to making thematic contributions and providing expertise to the mandate of the Independent Expert on minority issues.

(b) Second part of the discussion

16. In response to a question about her role in encouraging more States to take additional measures and create institutional arrangements to protect the existence of minorities and accommodate diversity within society, the Independent Expert on minority issues reiterated that it was imperative to implement the Declaration, stating that protection of the rights of minorities not only safeguarded their physical existence and identity but, as the preamble to the Declaration asserted, also contributed to the political and social stability of States in which minorities lived. She underlined the obligation of Governments and sometimes the international community under international law to protect the physical existence of minorities. She mentioned various circumstances that could threaten the very existence of minorities in a State, including forced assimilation rather than integration and restrictions imposed on minorities in practising their own religion and openly using or learning their mother tongue.

17. Responding to a request to comment on the protection and promotion of linguistic minority identity, the Special Rapporteur on the Rights of Women in Africa asserted that minorities should have access to legal and public administrative manuals in their mother tongue, noting that the right to effective due process could not be secured in a language not truly understood. She stressed that, the financial constraints imposed on many national education systems notwithstanding, greater effort should be made to conduct primary and adult education of national minorities in the mother tongue. Developing language programmes open to all and of all ages would offer the opportunity for society to benefit also from the contributions of women belonging to minorities.

18. Asked to discuss the role of special measures in tackling the effects of long-standing and entrenched discrimination of minorities, Mr. Murillo Martínez referred to general recommendation No. 32 of the Committee on the Elimination of Racial Discrimination, which dealt with special measures and positive measures under articles 1 (4) and 2 (2) of the International Convention on the Elimination of All Forms of Racial Discrimination. He said that, according to Committee, the obligation to adopt special measures was distinct from the general positive obligation of States parties to the Convention to secure human rights and fundamental freedoms on a non-discriminatory basis for persons and groups subject to their jurisdictions. The legitimacy of special measures or positive action was based on factual evidence, demonstrating a need to ensure the adequate development and protection of certain racial groups or individuals belonging thereto in order to guarantee their full and equal enjoyment of human rights and fundamental freedoms. Those measures were to be founded on elements of proportionality and temporality, meaning that they were to be discontinued once the objectives for which they had been taken had been achieved. Special measures or positive action had been adopted as a good practice in many countries, he noted.

19. Commenting on the role of effective participation of minorities, Mr. Castellino said that minorities were often excluded from participation because they were perceived as a threat. Diversity in society constituted an important economic asset not to be underestimated. He called upon States to adopt robust legislative, administrative and judicial mechanisms to tackle political exclusion at the national level. In his view, the importance of protection of existence was followed closely by the right to effective political participation, allowing for all voices to be heard. He

stressed that support for the Forum on Minority Issues and consideration of the adoption of a binding international standard would be extremely fruitful in mainstreaming minority issues in human rights practice.

(c) General comments from representatives of States and civil society

20. The discussion highlighted the importance of the commentary to the Declaration prepared by Asbjørn Eide, the former Chair of the Working Group on Minorities of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and adopted by the Working Group (E/CN.4/Sub.2/AC.5/2005/2).

21. Some States pointed to policies and actions that they had implemented and those that they intended to adopt in order to ensure the representation and participation of minorities in social, economic and political life. Measures such as constitutional guarantees translated into special measures or positive action were underlined as key to access by minorities to high-quality education and higher education and, ultimately, to employment involving decision-making.

22. The importance of education in minority languages was regarded as a precondition for the preservation of minority cultural identity. It was stated that facilitating opportunities for education of and in minority languages could result in an education system able to offer equal opportunities in the labour market for graduates from both the majority and minority parts of the population. States had a duty and a responsibility to support and facilitate the use of minority languages. Reservations and a quota system could also serve to ensure fair representation of all communities in all State apparatus and decision-making bodies.

23. Awareness-raising was also highlighted as a significant tool in promoting respect for diversity and could itself lead to peaceful coexistence. Several participants referred to the current world of globalization and the interdependence of States and communities, noting that States that abided by the Declaration and invested in the integration of minorities often prospered, while those that pursued exclusion along national, ethnic, religious or cultural lines were exposed to internal conflicts and were likely to decline.

24. State policies that negatively affected the identity of ethnic and religious minorities were denounced. The participants noted that stigmatization and negative profiling hampered the exercise by minorities of their fundamental human rights, including to manifest and practise their religions. Given that the existence of minorities was most threatened in times of great societal change, as was being experienced in several regions, it was vital for religious minorities to be paid special attention.

25. The view that diversity management at the national and international levels was key to tackling minority rights challenges was reiterated. It was stated that civil society and minorities themselves should take an active role in lobbying for their rights.

26. Overall, the panel discussion offered an excellent platform for experts, States and civil society to discuss successful approaches to advancing minority rights protection. The role of the core principles of equality and non-discrimination was highlighted as a prerequisite for securing minority rights.

2. Expert seminar on enhancing the effectiveness of international, regional and national human rights mechanisms in protecting and promoting the rights of religious minorities

27. Organized by OHCHR in cooperation with the Government of Austria, the expert seminar was held in Vienna on 22 and 23 May 2012. The first in a series of regional consultations commemorating the twentieth anniversary of the adoption of the Declaration, it focused on the rights of persons belonging to religious minorities and brought together more than 60 experts on minority rights and/or freedom of religion or belief issues, representatives of Governments, relevant regional bodies, national human rights institutions and civil society to discuss how to enhance the effectiveness of human rights mechanisms at all levels in order to better protect the rights of religious minorities.

28. Introductory remarks were delivered by the Director of the OHCHR Research and Right to Development Division; Johannes Kyrle, Secretary-General, Ministry for European and International Affairs, Austria; Heiner Bielefeldt, the Special Rapporteur on freedom of religion or belief; and the Independent Expert on minority issues. The introductory remarks focused on achievements and challenges under the Declaration and avenues for strengthening its implementation.

(a) Global trends in the human rights situation of religious minorities

29. Brian Grim, Senior Researcher and Director of Cross-National Data, Pew Research Center Forum on Religion and Public Life, gave an overview of a study conducted by the Forum to analyse the extent to which Governments and societies around the world impinged on religious beliefs and practices. He said that the study, which focused on constraints on religion in each country, had found that some 70 per cent of the world's population was living in countries in which Governments imposed high restrictions on religion or where there were high levels of religious restrictions in society. It had also found that some 1 per cent of the world's population lived in countries in which government restrictions or social hostilities were decreasing and that substantial increases tended to be in countries where they were already high, while the decreases tended to be in countries where they were already low.

(b) Protection of religious minorities under international human rights standards: synergies, achievements and obstacles

30. The session focused on religious minorities under the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and articles 18 and 26 of the International Covenant on Civil and Political Rights, which dealt with freedom of thought, conscience and religion, and non-discrimination. The Special Rapporteur on freedom of religion or belief said that all the guarantees enshrined in the human right to freedom of religion or belief, including the right to have or adopt a religion or belief of one's choice, as guaranteed in article 18 (1) of the Covenant, applied to persons belonging to religious minorities and must be fully respected and preserved. He asserted that it would be wrong to define the difference between freedom of religion or belief on the one hand and minority rights on the other along an assumed dichotomy of individual versus communitarian rights. Both the right to freedom of religion or belief (article 18 of the Covenant) and religious minority rights (article 27 of the

Covenant or the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief) referred, albeit differently, to the rights of individual human beings in their multifaceted communitarian relationships.

31. He said that measures adopted to improve the situation of religious minorities should have a consistent human rights basis. In that context, the right to freedom of religion or belief on the one hand and minority rights on the other could be mutually reinforcing.

32. Nazila Ghanea, Lecturer in International Human Rights Law, University of Oxford, observed that, historically, religious minorities were the primary trigger for the institutionalization of the international framework of minority rights, spearheading efforts to bring minority rights concerns to the regional level and, later, to the international level. That background notwithstanding, religious minorities had to date not been fully addressed under modern minority rights norms and mechanisms.

33. She explained that, in recognizing religious minorities, it was important to be particularly vigilant about the need to consider non-dominance alongside numerical inferiority. Proposed definitions of religious minority could prove somewhat wanting. The State religion or ideology was a key factor in determining the power dynamics and coloured the dominance criterion in the definition of minorities. Those power dynamics would often be more significant than the numerical criterion in the process of identifying religious minorities in particular contexts.

(c) Contribution of minority rights standards to the protection of religious minorities

34. The session focused on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and article 27 of the Covenant (on the rights of persons belonging to minorities). The Independent Expert on minority issues shared her concern for the protection of religious minorities, expressing alarm at the volume of information received from civil society members detailing human rights violations committed against them. She referred to non-traditional minority faith groups as frequent targets of restrictions, harassment and, on occasion, violent attacks.

35. She stated that the challenges to be overcome in order to improve the rights and security of religious minorities were significant and required short-term, medium-term and long-term solutions. Immediate action was required to tackle the widespread violence being perpetrated against religious minorities. She expressed regret that human rights mechanisms had often been unable to play their preventive role, which was perhaps the most important.

36. In response, Mr. Eide pointed out that many minorities differed from the majority on several grounds at the same time and that it could be difficult to disentangle the religious and ethnic dimensions. He stressed that, in human rights law, religion was part of the wider concept of religion and belief, which had a broad meaning and included theistic, atheistic and agnostic beliefs. Protection against discrimination and all acts of violence on religious grounds was essential, including to avoid ethnic tension and conflict. It was also crucial for States to adopt measures to create favourable conditions for the manifestation of religion by persons belonging to minorities, in accordance with article 4 (1) of the Declaration. He

emphasized that there was a need to combine the protection of religious minorities with the quest for social stability and cohesion based on human rights for all.

(d) Strengthening the effectiveness of international human rights mechanisms in the protection of religious minorities

37. The Chief of the OHCHR Special Procedures Branch stressed that the human rights of religious minorities were violated in many ways and that such violations were not restricted only to those of freedom of religion or belief, but covered the full spectrum of civil, political, economic, cultural and social rights.

38. Highlighting the importance of the work of the 36 thematic special procedures mandate holders in advising and assisting States with regard to fulfilling their obligations, she underscored their role in providing support towards implementation at the national level. Regarding the human rights treaty bodies, she referred to their role in assisting States parties to comply with their human rights obligations through consideration of reports, individual petitions, formulation of general recommendations and, where applicable, country visits. For example, in its general comment No. 22, the Human Rights Committee had emphasized that the terms "belief" and "religion" should be broadly construed and that the application of article 18 of the Covenant must not be limited to traditional or dominant religions. In its general comment No. 23, it had established that it was not for a State alone to decide which groups constituted minorities so as to claim minority rights, but rather that that decision should be based on objective criteria, an issue of great importance to those religious minorities denied recognition as minorities and on that basis denied their rights. Other human rights treaty bodies also considered issues relating to religious minorities.

39. She stated that OHCHR had sought to create a better understanding of challenges and possible solutions relating to incitement to religious hatred. Article 20 (2) of the Covenant prohibited any advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility or violence. Following an initial expert seminar in Geneva in 2008, OHCHR had in 2011 organized regional workshops on the prohibition of incitement to national, racial or religious hatred. Held in Bangkok Nairobi, Santiago and Vienna, they had been aimed at creating a better understanding of legislative patterns, judicial practices and types of State policies to tackle incitement to hatred and to propose specific actions and solutions.

40. Mr. Lattimer said that there were gaps in the coverage of human rights mechanisms with regard to the concerns of religious minorities. He drew attention to differences in terms of mechanisms to tackle ethnic discrimination and religious discrimination, recalling that, although the coverage of the International Convention on the Elimination of All Forms of Racial Discrimination was rather broad, it did not explicitly refer to religious discrimination. While religious minorities were naturally drawn to article 18 of the Covenant and the work of the Special Rapporteur on that subject, freedom of religion or belief was only a part of the problems experienced by minorities.

41. He also referred to the limitation of certain minority rights instruments, noting that, for example, the Framework Convention for the Protection of National Minorities did not offer wide protection to Muslims in Europe because a number of States parties had not accepted them as national minorities. In other areas, including in the Middle East and Asia and the Pacific, no strong regional instruments or strong

regional monitoring mechanisms existed. That state of affairs meant that protection for religious minorities was very seriously lacking compared with many other groups.

(e) Regional human rights mechanisms and other initiatives protecting the rights of religious minorities at the European level

42. The nexus between minority rights standards and the protection of religious minorities within the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe was addressed first by Zdenka Machnyikova, Legal and Political Adviser, Initiative on Quiet Diplomacy. She asserted that the extensive jurisprudence of the European Court of Human Rights with regard to article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) had long been significant in addressing violations of freedom of religion in respect of religious minorities.

43. The Framework Convention for the Protection of National Minorities, in addition to other European minority rights standards such as the OSCE commitments, applied to the protection of national minorities. The European Commission against Racism and Intolerance, the monitoring body of the Council of Europe, which specialized in combating racism, xenophobia, anti-Semitism and intolerance, had adopted general policy recommendation No. 5 on combating intolerance and discrimination against Muslims.

44. Ilze Brands Kehris, Director, Office of the OSCE High Commissioner on National Minorities, said that Ms. Machnyikova had rightly pointed out that, while the work of the High Commissioner was to prevent conflict, he used the standards concerning the rights of persons belonging to national minorities as a key tool in his work. While there was nothing to prevent a State from including religious minorities in its interpretation of the scope of application of the Framework Convention for the Protection of National Minorities, the instrument generally covered religious minorities as a type of national minority, rather than, broadly speaking, any religious minority.

45. Ralf-René Weingärtner, Director, Directorate of Human Rights and Anti-discrimination, Council of Europe, said that it was crucial to focus on implementation through strengthened collaboration. In addition to the Council of Europe instruments already discussed, he recalled the relevance of the European Charter for Regional or Minority Languages and its monitoring mechanism, which had addressed, for example, the right of linguistic minorities to have religious services in their own languages. He also recalled the Day of Remembrance of the Holocaust and for the Prevention of Crimes against Humanity, reflecting the "never again" maxim and the need to remember how systematic hatred of a minority could lead to horrifying crimes.

46. Pia Lindholm, Equal Treatment Legislation Unit, Directorate-General for Justice, European Commission, discussed freedom of religion and religious minorities in the European Union context. She made reference to the Treaty on the Functioning of the European Union, which contained provisions referring to religion (arts. 10, 17 and 19). Article 17 provided that the Union was to respect the status of churches and religious associations or communities and to promote dialogue with churches, religious communities and philosophical and non-confessional organizations.

47. Alan Phillips, former president of the Advisory Committee on the Framework Convention for the Protection of National Minorities, asserted that it was important to recall that the States members of the European Union were also members of the Council of Europe, OSCE and the United Nations, and that their normative standards on religious minorities had much in common, although the organizations had diverse competences and modalities of work. He noted that, although the European Commission had capable staff, substantial financial resources and considerable powers, including to issue legal directives that were binding on member States, it was a complicated machinery, something that could affect its capacity to respond swiftly to the needs of minorities, including religious minorities.

(f) Implementation at the national level of recommendations flowing from international and regional mechanisms

48. The Chief of the OHCHR Indigenous Peoples and Minorities Section said that the work of United Nations human rights mechanisms, including the Working Group on the Universal Periodic Review, treaty bodies and special procedures mandate holders, had clearly prompted improvements in the protection of the rights of religious minorities at the national level, resulting, for example, in enhanced registration processes for religious communities and accommodation of religious dress codes in some countries. Much more needed to be done, however, given that the picture was mixed at best.

49. National human rights institutions and specialized bodies dealing with human rights could play an instrumental role. The former were often the only bodies to speak out against discrimination against minority groups, including religious minorities, sometimes in the face of trenchant public critique. There was a need to ensure that each country had a national human rights mechanism with a mandate to tackle minority rights.

50. Eva Lang, Equal Treatment Ombudsperson, Austria, noted that her work was to counsel people who claimed to have experienced discrimination on the basis of religion in their work and employment in the private sector. Most of the requests for advice received concerned questions regarding religious dress codes and symbols.

(g) Summary of discussion

51. The participants agreed that more needed to be done to encourage increased implementation of the Declaration. The interaction between the two special procedures mandate holders offered a good example of cooperation, with the Independent Expert having committed herself to focusing on religious minorities and the Special Rapporteur having decided to focus on minority rights. Increased collaboration between mechanisms, including relevant regional and national actors, could be instrumental in strengthening protection of minority rights. In that regard, the Forum on Minority Issues offered a significant opportunity for strengthened collaboration at multiple levels. Moreover, at the national level, implementation of the recommendations of international and regional mechanisms, ranging from those made by the Working Group on the Universal Periodic Review to the opinions of the Advisory Committee on the Framework Convention for the Protection of National Minorities, could be implemented through a more inclusive process.

3. Regional consultation on the role of the United Nations and other human rights and development actors in advancing the participation of minorities in poverty reduction and development strategies in South-East Asia

52. Held in Bangkok on 25 and 26 September 2012, the consultation brought together representatives of various United Nations entities, including the Economic and Social Commission for Asia and the Pacific, the International Labour Organization, the Office of the United Nations High Commissioner for Refugees, OHCHR and its regional office for South-East Asia, the United Nations Children's Fund, the United Nations Development Programme (UNDP), the United Nations Entity for Gender Equality and the Empowerment of Women and the United Nations Population Fund. The International Organization for Migration was also represented. Representatives of the Department for International Development of the Government of the United Kingdom, the Asian Human Rights Commission, Minority Rights Group International, the National Human Rights Commission of Thailand and the Asia-Pacific Refugee Rights Network also attended.

53. The consultation was divided into five sessions. On the first day, the sessions covered the general normative framework as relevant to the rights of minorities at both the international and regional levels, in addition to human rights issues pertinent to development.

54. Within the context of the participation of minorities in poverty reduction and development, the participants examined elements that resulted in the marginalized not adequately benefiting from the Millennium Development Goals. Persistent inequalities in all areas and obstacles to meaningful participation were the primary reasons why persons belonging to minority communities were forced to accept disempowering development policies and programmes. That problem was being tackled through, among other things, national consultations on legal empowerment of the poor, which provided an entry point for legislative and policy reform actions towards achieving participation in decision-making to help to secure economic rights.

55. Evidence provided by UNDP suggested that minorities and other marginalized people managed only to reach a certain level of achievement in poverty reduction before progress stopped, while the middle class continued to make progress towards attaining the Goals. Through the UNDP Millennium Development Goals Acceleration Framework, various options were being offered at the country level to fast-track progress towards the attainment of the Goals.

56. Systematic discrimination in access to and ownership and control of land by the marginalized, including minorities, resulted in non-participation in development decision-making issues at all levels, which in turn fuelled land grabbing. That rampant problem affected minority women in particular. Solutions ranged from targeting efforts to enhance participation in decision-making to programmes that improved institutional capacity and facilitated access to legal identity and ownership documents.

57. The participants stressed that participation in decision-making must be undertaken through a bottom-up, decentralized process owned by the rights-holders; that indicators should be developed at the national level to measure economic inequality within populations and communities and between men and women; and that States must ensure that minority women had access to and control over

productive resources, including land, sustainable energies and finance, in addition to education and health care.

4. Regional expert workshop on effective participation of persons belonging to minorities in law enforcement and building an inclusive and responsive police force and judiciary

58. Organized by OHCHR, the two-day regional workshop held in Bishkek on 18 and 19 October brought together more than 70 participants. They included representatives of nine countries (Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, the Republic of Moldova, Tajikistan, Turkmenistan and Ukraine), international organizations (OSCE and the OSCE High Commissioner on National Minorities, UNDP, the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Office on Drugs and Crime and the United Nations Regional Centre for Preventive Diplomacy for Central Asia), national human rights institutions, minority representative bodies and/or non-governmental organizations, in addition to international experts in the fields of minority rights and policing.

59. The first sessions focused on the general normative framework as relevant to the rights of minorities at both the international and regional levels. Human rights issues connected with the administration of justice, and in particular law enforcement, were discussed. The results of an OHCHR study on minority inclusion in law enforcement in Kyrgyzstan were presented.

60. During the discussions, the participants emphasized the importance of providing continuous training to police officers at all levels, especially senior officers. Other issues stressed were the need for reform in law enforcement to be part of a wider structural reform process; reforms regarding access to information in minority languages; the advantages of quota systems and temporary special measures to facilitate recruitment of minorities; and the need for disaggregated data.

61. Representatives of States and national human rights institutions presented their work on minority issues and highlighted achievements in connection with law enforcement and the judiciary. The presentations facilitated an open and constructive dialogue with regard to the situation on the ground at the national level. Civil society representatives questioned some of the achievements claimed by State representatives.

62. The participants explored a wide range of minority rights issues in relation to the role of the judiciary and in strengthening access to justice. The discussions focused on promoting and protecting the rights of minorities through participation and representation in the judiciary. The importance of guaranteeing independent oversight and accountability regarding the work of the judiciary and the police was stressed. The invaluable role of national human rights institutions and civil society in helping to guarantee minority rights was also highlighted.

63. The participants acknowledged the importance of making efforts to further advance minority rights with the aim of building a responsive and inclusive police force and judiciary at the national level. To that end, they agreed upon a list of recommendations that could serve as guidelines in their work.

5. Consultation on reflecting diversity in the process of constitutional reforms in the Middle East and North Africa

64. Held in Doha on 19 and 20 November, the event organized by OHCHR brought together 28 participants from Algeria, Egypt, Jordan, Lebanon, Morocco, Qatar, the Sudan, Tunisia and Yemen and included legal experts, law professors, researchers, a Lebanese parliamentarian, the Independent Expert on minority issues and representatives of the National Human Rights Council of Morocco, the Social Contract Center of Egypt, the Public Liberties and Human Rights Department of the Al Jazeera network, the National Human Rights Committee of Qatar, the Ministry of Foreign Affairs of Qatar, and the Department of Political Affairs of the Secretariat.

65. The consultation explored thematic areas such as representation of diverse parts of society in the process of constitutional reform, reforms to protect human rights, and in particular minority rights, and constitutional reform towards an inclusive society. The participants examined various aspects of the rapid constitutional developments in the Middle East and North Africa, together with the extent to which they included protection of human rights principles and minority rights. They explored ways and means through which the United Nations and other actors could support national efforts to ensure inclusive constitution-making processes that reflected the interests of various segments of the population.

66. The participants called for further guidance that could serve to contextualize the relevance of minority rights in the region. Interpretative guidance from treaty bodies in the form of general comments, recommendations and commentaries, together with interpretation from other human rights mechanisms, was highlighted as necessary to reflect the current realities of minorities. Discussions were also held as to the reluctance on the part of some groups in the region to be labelled as minorities. The need to involve minorities in constitutional reform processes was underscored and several positive and negative examples were examined.

67. Generally, the participants agreed that, while there were some promising examples of increased attention being paid to diversity in recent constitution-making exercises, there was a strong need to advocate a more inclusive approach, in particular when drafting. They also agreed that there was a need to increase awareness of the Declaration, the standards of which could be advanced also in contexts where the term "minority" was not used in national discourse.

68. The participants agreed upon the importance of raising awareness of the Declaration as an important step towards strengthening the minority rights protection regime and to devote more efforts to ensuring that new and reformed constitutions provided a strong legal framework for human rights protection consistent with relevant human rights treaties.

69. The connection between citizenship and the enjoyment of specific human rights was also examined. It was stressed that, while certain rights, such as the right to vote, might be attached to citizenship, that was not true of a number of minority rights.

B. Activities of the Independent Expert on minority issues to mark the twentieth anniversary of the Declaration

70. The Independent Expert participated in the OHCHR-led events in Vienna on 22 and 23 May and in Doha on 19 and 20 November. In addition, on 9 November, she participated in the Fifth Budapest Human Rights Forum. The 2012 event featured minority issues to mark the commemoration of the twentieth anniversary of the Declaration. She discussed the important role of the United Nations in tacking challenges facing the implementation of the Declaration. She also spoke about her role within the context of her own mandate and that of guiding the work of the Forum on Minority Issues by preparing its annual meetings and reporting its recommendations to the Human Rights Council pursuant to resolution 19/23.

C. Fifth session of the Forum on Minority Issues

71. The fifth session of the Forum was held on 27 and 28 November 2012, focusing on identifying positive practices and opportunities in implementing the Declaration. Chaired by Ms. Maiga, the session opened with a video message from the Secretary-General and statements by the President of the Human Rights Council, Laura Dupuy Lasserre, and the United Nations High Commissioner for Human Rights.

72. More than 400 people participated in the Forum, including representatives of Member States from all regions, minority groups, United Nations bodies, mechanisms and specialized agencies, regional intergovernmental bodies and non-governmental organizations.

73. The participants discussed challenges to the implementation of the Declaration and good practices. Governments were invited to present their views in that regard and on the impact of the Declaration on national legislation, policies and practices. Other representatives, including those of minorities, non-governmental organizations, national human rights institutions working in the area of minority rights protection and promotion, United Nations bodies, mechanisms and specialized agencies, regional intergovernmental bodies and young people from minority communities were invited to participate and share their views on how the Declaration helped to meet the challenges facing minorities and what could be done to improve its relevance and implementation.

74. In conformity with Human Rights Council resolution 19/23, the outcome of the session included a set of action-oriented thematic recommendations that were presented by the Independent Expert on minority issues to the Council (see A/HRC/22/60).

IV. Conclusions

75. **The twentieth anniversary of the Declaration afforded an important opportunity to raise awareness and visibility of and encourage reliance on the provisions of the Declaration in advocating minority rights. It also offered an opportunity to examine the achievements and challenges with regard to implementation, in particular in relation to the role of States. The various**

anniversary activities revealed that, while there had been some achievements, States should further strive to meet their legal obligations to protect minorities. While some States have taken important steps to recognize the existence of minorities and diversity, others continue to insist on the homogeneity of their populations. All States have minorities and their existence, identity, religion and culture need to be protected in line with international human rights law.

76. **The targeting of religious minorities and institutions, xenophobic attacks and racial profiling, as well as systematic exclusion of minorities from decision-making in economic and public life, have the effect of undermining human rights and sustainable development, in addition to fuelling insecurity and conflict. They stand as constant reminders of the necessity to join hands in efforts to protect minorities. Overall, the commitment of States, international, regional and national mechanisms and non-governmental organizations must be strengthened and sustained in order to live up to the promise of the Declaration.**